

Notice of Allowability

Application No.

10/666,008

Examiner

Julian Mercado

Applicant(s)

PETTIT ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8 June 2007 and 13 March 2007.
2. ☒ The allowed claim(s) is/are 1-18, 45-48 and 50-56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeff Urian on August 20, 2007.

The application has been amended as follows:

1. In claim 1 at line 6, "the presence of hydrogen" has been changed to --the presence of hydrogen in a ventilation stream--.
2. In claim 1 at line 9, "a ventilation stream" has been changed to --said ventilation stream--.
3. In claim 2 at line 8, "the presence of hydrogen" has been changed to --the presence of hydrogen in said ventilation stream--.
4. In claim 4 at line 8, "the presence of hydrogen" has been changed to --the presence of hydrogen in said ventilation stream--.
5. In claim 10 at line 9, "the presence of hydrogen" has been changed to --the presence of hydrogen in said ventilation stream--.
6. In claim 50 at line 7, "the presence of hydrogen" has been changed to --the presence of hydrogen in a ventilation stream--.

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7. In claim 50 at line 9, "a ventilation stream" has been changed to --said ventilation stream--.
8. In claim 54 at line 7, "presence of hydrogen" has been changed to --presence of hydrogen in a ventilation stream--.
9. In claim 54 at line 8, "a ventilation stream" has been changed to --said ventilation stream--.

Remarks

This Office action is responsive to applicant's amendment filed on March 13, 2007 and June 8, 2007.

Claims 1-18, 45-48 and 50-56 are pending, of which claims 45-48 and 50-56 are newly submitted.

Claim Rejections - 35 USC § 102

The rejection of claims 1, 2, 4-11 and 15 under 35 U.S.C. 102(e) based on Assarabowski et al. (U.S. Pat. 6,797,421 B2) has been withdrawn.

The rejection of claims 12 and 13 under 35 U.S.C. 103(a) based on Assarabowski et al. (U.S. Pat. 6,797,421 B2) in view of the Process/Industrial Instruments and Controls Handbook has been withdrawn.

The rejection of claim 14 under 35 U.S.C. 103(a) based on Assarabowski et al. (U.S. Pat. 6,797,421 B2) in view of Shahinpoor (U.S. Pat. 6,612,739 B2) has been withdrawn.

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In withdrawing this ground of rejection, it is noted that while Assarabowski et al. may teach a hydrogen sensor which senses the presence of hydrogen insofar as detecting supplemental heat from the combustion of hydrogen in the resultant ventilation stream, the patentees specifically disclose "the heat of the combustion of the hydrogen at the catalyst surface." (col. 6 lines 2-3) To this end, Assarabowski et al. does not teach or at least suggest the positive presence of hydrogen in the resultant ventilation stream; instead, the patentees favor reacting the hydrogen at the catalyst surface in order to create heat. Furthermore, the hydrogen sensor (which, in Assarabowski et al., is a temperature sensor) senses the presence of *heat* and not the presence of hydrogen *per se* in the ventilation stream. (col. 2 lines 57-62)

Allowable Subject Matter

Claims 16-18 are allowed for the reasons of record.

Claim 3 is allowed. The examiner notes that claim 3 has been rewritten in independent form and is allowed for the provisional reasons set forth in the prior Office action, maintained herein.

Claims 1-15, 45-48 and 50-56 are allowed. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or suggest the instant invention regarding a hydrogen sensor which detects the presence of hydrogen in a ventilation stream flowing through the fuel cell enclosure.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian Mercado whose telephone number is (571) 272-1289. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



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